

**REMARKS**

Claims 1-13 are pending in this application. Claims 1-13 stand rejected. By this Amendment, claims 1, 4, 6, 9, 11 and 13 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 1-3 and 6-13 stand rejected under 35 U.S.C. § 112, first and second paragraphs. Applicant has amended the claims in light of the Examiner's rejection. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 1-3, 6-8, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art (AAPA) in view of U.S. Patent No. 6,130,881 ("Stiller"). Applicant respectfully traverses this rejection.

Among the limitations of the independent claims not present in the cited reference is that a monitor packet is continually transmitted to the relay server for measuring a delay time. This limitation is not present in the cited reference or in the AAPA.

Applicant's AAPA is silent as to a monitor packet being continually transmitted to an adjacent relay server to measure a delay time. In fact, the delay time is used in determining a time slot for relaying content downstream. As noted in the background of the invention, one of the problems in the prior art is that content transfers occupy a certain bandwidth in the path from the web server or cache server storing the content to the cache server requesting content. Accordingly, prefetching easily affect other traffic.

By using a monitor packet transmitted to the relay servers to determine an average delay time, the bandwidth occupied on the path is easily controlled.

The inclusion of Stiller fails to cure the deficiency in the AAPA noted above. Therefore, Applicant respectfully requests reconsideration and withdrawal of the pending rejections.

Claims 2-3 depend either directly or indirectly from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Stiller and are also believed to be directed towards the patentable subject matter. Thus, claims 2-3 should also be allowed.

Claim 5 depends from, and contains all the limitations of claim 4. This dependent claim also recites additional limitations which, in combination with the limitations of claim 4, is neither disclosed nor suggested by Stiller and is also believed to be directed towards the patentable subject matter. Thus, claim 5 should also be allowed.

Claims 7-8 depend either directly or indirectly from, and contain all the limitations of claim 6. These dependent claims also recite additional limitations which, in combination with the limitations of claim 6, are neither disclosed nor suggested by Stiller and are also believed to be directed towards the patentable subject matter. Thus, claims 7-8 should also be allowed.

Claim 10 depends from, and contains all the limitations of claim 9. This dependent claim also recites additional limitations which, in combination with the limitations of claim 9, is neither disclosed nor suggested by Stiller and is also believed to be directed towards the patentable subject matter. Thus, claim 10 should also be allowed.

Claim 12 depends from, and contains all the limitations of claim 11. This dependent claim also recites additional limitations which, in combination with the limitations of claim 11, is neither disclosed nor suggested by Stiller and is also believed to be directed towards the patentable subject matter. Thus, claim 12 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: December 29, 2005

Respectfully submitted,

By

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN & OSHINSKY  
LLP

1177 Avenue of the Americas  
New York, New York 10036-2714  
(212) 835-1400  
Attorney for Applicant

IRB/mgs